

REMARKS

This responds to the Office Action mailed on January 03, 2006, and the references cited therewith.

Claims 1, and 9-12 are amended, claims 2-8 and 13-14 are cancelled and claims 15-28 are added; as a result, claims 1, 9-12 and 15-28 are now pending in this application.

No new matter has been added. For example, support for “processing the received portion of the content item to obtain ... a characteristic feature of the portion” may be found, e.g., in the description on page 4, lines 3-10.

§103 Rejection of the Claims

Claims 1 and 9-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Levy et al (U.S. 6,505,160) in view of Herz et al (U.S.10010014868).

Levy discloses systems and processes for linking audio and other media objects to metadata and actions via an identifier. (Levy, 2: 5-8.) In Levy, an object identifier is inserted in the file header of an MP3 file (Levy, 6: 26-28), and then, when a user opens or plays the MP3 file, the object identifier is extracted and forwarded to a server (Levy, 6: 25-34). An identifier in Levy may be derived from the content or container metadata in cases where the identifier is steganographically encoded in the audio object. (Levy, 12: 30-41.) However, the techniques discussed in Levy do not include obtaining or using characteristic information that may be obtained from an audio object. Thus, Levy, whether considered separately or in combination with Hertz, fails to disclose or suggest the features of “processing the received portion of the content to obtain, from the portion of the content item, **a characteristic feature of the portion of the content item**” and “obtaining further information on the content item **using the characteristic feature of the portion of the content item**” recited in claim 1, as amended. Therefore, claim 1 and its dependent claims are patentable in view of the combination of Levy and Hertz and should be allowed.

Claim 9, as amended, recites “a processor to process the received portion of the content to obtain, from the received portion of the content item, **a characteristic feature of the portion of the content item**” and “lookup module to obtain further information on the content item **using the characteristic feature of the portion of the content item.**” Thus, claim 9 and its dependent claims are patentable in view of the combination of Levy and Hertz and should be allowed for at least the reasons articulated with respect to claim 1.

Claim 11, as amended, recites “calculating a hash for the received media object” and “processing the media object to determine an identifier for the media object utilizing the calculated hash value.” It is submitted that although Levy discloses a hashing operation, Levy fails to disclose or suggest the features as recited in claim 1. Firstly, Levy makes a distinction between a “content object” (e.g., a media object or an audio object) and “metadata” that may be associated with a content object via an identifier. (Levy, 2: 13-15.) Then, Levy discloses a ripping process that extracts *metadata* from a CD and then hashes the metadata into an index to a database entry. (Levy, 6: 14-22). The hashing of the metadata associated with a package medium, as in Levy, is distinct from “calculating **a hash for the received media object**” and “processing the media object to determine **an identifier for the media object** utilizing the calculated hash value,” as recited in claim 11, as amended. Hertz is also silent with respect to calculating a hash for a media object. Thus, the combination of Levy and Hertz fails to disclose or suggest these features of claim 11.

Furthermore, the Office action correctly stated that Levy fails to disclose or suggest transmitting an offer to sell. The Office action cited Hertz to show this feature. Hertz is directed at a system for the automatic determination of customized prices and promotions (Hertz, Title). Although Hertz discloses offering a coupon for a related item responsive to a completion of a sale (Hertz, P 267, 268, 270), Hertz fails to disclose or suggest transmitting an electronic offer to sell **in response to the receiving of the media object utilizing the determined identifier**, as recited in claim 11, as amended.

Thus, because the combination of Levy and Hertz fails to disclose or suggest each and every element of claim 11, claim 11 and its dependent claim are patentable and should be allowed.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4052 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

BARTEL MARINUS VAN DE SLUIS

By his Representatives,

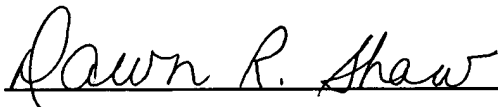
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